

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE:

Patrick Howie, 0546,

Debtor(s).

Case No. 7 10-11916 SL

ORDER ABANDONING AND GRANTING U.S. BANK, N.A., ITS SUCCESSORS AND/OR
ASSIGNS RELIEF FROM AUTOMATIC STAY REGARDING PROPERTY LOCATED AT 1182
TURKEY KNOB DRIVE, LAS CRUCES

THIS MATTER having come before the Court on the Motion for Relief from Stay and to Abandon Property located at 1182 Turkey Knob Drive, Las Cruces filed by the Creditor U.S. Bank, N.A., its Successors and/or Assigns on May 28, 2010; a Notice of Objection Deadline for Motion For Relief from Stay and to Abandon Property were transmitted to the Debtor(s), attorney for the Debtor(s), and Trustee on May 28, 2010, the objection deadline was June 21, 2010 and the time to file an objection to the Motion has passed, and no objection has been received from the Debtor(s), attorney for the Debtor(s) or Trustee. In compliance with the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the attorney for the Creditor certifies under penalty of perjury by her signature herein, that she has complied with the Servicemembers Civil Relief Act, through receipt of a response from the Department of Defense Manpower Data Center, which states that Patrick Howie is not a member of the military service of the United States nor her allies. The Court having considered the Motion and finding that Creditor is entitled to an Order terminating the automatic stay imposed by the filing of the bankruptcy action, and being otherwise advised in the premise;

IT IS, THEREFORE, THE ORDER OF THIS COURT that the automatic stay imposed by the filing of the above-entitled and numbered cause of action as the same pertains to the Debtor(s) and to certain property located in the County of Dona Ana, State of New Mexico, and more particularly described as:

Lot 25, Block C, Sandhill Center Heights Phase 2, in Dona Ana County, State of New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said county as Plat No. 4101 on, January 24, 2005 in Book 21 Pages 122 and 123 of Plat Records ("Property")

and having an address of 1182 Turkey Knob Drive, Las Cruces, New Mexico, is hereby modified and the Property is deemed abandoned, and the Creditor, its successors, assigns and/or real party in interest, and any and all junior lienholders are permitted to proceed with foreclosure action in the Judicial District Courts of the State of New Mexico, including the transmittal of any default letter required by the loan documents.

IT IS FURTHER THE ORDER OF THIS COURT that this Order shall retain its effect and validity should this case be converted to another Chapter proceeding, and Creditor shall be able to foreclose its interests in the appropriate Court.

IT IS FURTHER THE ORDER OF THIS COURT that the fourteen (14) day stay requirement of F.R.B.P. 4001(a)(3) is waived.


James S. Starzynski
U S BANKRUPTCY COURT JUDGE

Date Entered on Docket: June 23, 2010

SUBMITTED BY:
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By: KAREN H. BRADLEY S/Electronically Submitted/ 6.22.10
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Bankruptcy of Patrick Howie; USBC No. 7 10-11916 SL; P/A: 1182 Turkey Knob Drive, Las Cruces, NM 88012